

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>RANDALL FOSTER,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:16-cv-00037</b>
	)	
<b>SUMNER COUNTY CRIMINAL COURT,</b>	)	<b>Judge Nixon</b>
<b>TENNESSEE 18TH DISTRICT,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

Petitioner Randall Foster’s petition for the writ of habeas corpus (ECF No. 1) is before the Court for an initial review pursuant to Rule 4 of the Rules Governing § 2254 Cases. Also pending is the petitioner’s application to proceed *in forma pauperis* (ECF No. 2). Because it is apparent from his submission that the petitioner lacks the financial resources to pay the filing fee, the application (ECF No. 2) is **GRANTED**.

Having conducted the required review, the Court finds, as explained in the accompanying Memorandum Opinion, that the petitioner failed to exhaust state-court remedies prior to filing his petition in this Court. The habeas petition is therefore **DENIED** and this matter is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state-court remedies.

Because reasonable jurists would not disagree that the petitioner failed to exhaust, the Court **DENIES** a certificate of appealability. The petitioner, however, may seek a certificate of appealability directly from the Sixth Circuit Court of Appeals. Fed. R. App. P. 22(b)(1).

It is so **ORDERED**.

This is a final order for purposes of Fed. R. Civ. P. 58.



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JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT